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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 UNITED STATES OF AMERICA, )

No. CR15-00175RSL

8 Plaintiff, )

9 v. )

ORDER DENYING DEFENDANT  
MARYSA COMER'S MOTION FOR  
REVOCATION OF DETENTION  
ORDER

10 MARYSA R. COMER, )

11 Defendant. )

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13 This matter comes before the Court on "Motion for Revocation of Detention Order  
14 by Marysa Renee Comer." Dkt. #31. The Honorable Brian A. Tsuchida, United States  
15 Magistrate Judge, considered whether defendant should be detained pending her trial, finding  
16 that continued detention is appropriate.

17 On July 2, 2015, the Court heard oral argument on defendant's motion for  
18 revocation of the Magistrate Judge's detention order. In ascertaining whether to detain or  
19 release a defendant, the Court must consider (1) the nature and seriousness of the offenses  
20 charged, (2) the weight of the evidence against the defendant, (3) the defendant's character,  
21 physical and mental condition, family and community ties, past conduct, history relating to drug  
22 or alcohol abuse, and criminal history, and (4) the nature and seriousness of the danger to any  
23 person or the community that would be posed by the defendant's release. 18 U.S.C. § 3142(g).  
24 The weight of the evidence against defendant is the least important of these factors, and the  
25 Court may not engage in a pretrial determination of guilt or innocence. United States v.  
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ORDER DENYING MOTION FOR  
REVOCATION OF DETENTION ORDER

1 Motamedi, 767 F.2d 1403, 1408 (9<sup>th</sup> Cir. 1985).

2 This Court must conduct a *de novo* review of the Magistrate Judge's detention  
3 order. Having reviewed the parties' briefs on this matter, and the record that was before Judge  
4 Tsuchida, the Court finds as follows:

5 (1) Many of the charges against defendant are of a very serious nature. The  
6 Indictment charges defendant with conspiracy offenses alleging, among other things, that  
7 defendant acted in concert "to recruit, entice, harbor, transport, provide, and obtain by any  
8 means, an adult female ... to engage in commercial sex acts" (Dkt. #21) and alleges that  
9 defendant took part in the transportation of these recruits across state lines to engage in  
10 prostitution. Defendant is facing charges that carry a mandatory minimum sentence of fifteen  
11 years imprisonment. The nature and seriousness of the offenses charged therefore caution  
12 against pre-trial release.

13 (2) Defendant has proffered evidence regarding her ties to the community in  
14 Matthews, North Carolina. While defendant may not have ties to the Western District of  
15 Washington, the Ninth Circuit Court of Appeals determined that "community" in § 3142(g)  
16 encapsulates "a community in the United States to which the defendant has ties." United States  
17 v. Townsend, 897 F.2d 989, 995 (9<sup>th</sup> Cir. 1990). The support of and connection to this  
18 community weigh in defendant's favor.

19 In response, the Government demonstrated by a preponderance of the evidence  
20 that defendant is, in fact, a flight risk. Defendant is alleged to have lied to authorities about her  
21 whereabouts when notified of the existence of a warrant for her arrest. Further, in a letter  
22 written to her co-defendant, defendant wrote "I even seriously considered making a break for  
23 your unit ... [a]ll I had to do was wait for your guard to go back into your unit and I could've run  
24 right past him ..." (Dkt. #37-1). This undisputed evidence further underlines a tendency toward  
25 flight in violation of FDC rules and regulations. The number of crimes with which defendant is  
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1 charged, continued demonstration of non-compliance and defendant's potential sentence under  
2 the federal guidelines all indicate that defendant's potential for flight is great.

3 (3) The Government has alleged that defendant would pose a risk to particular  
4 persons if she were released from detention. In particular, the Government alleges that  
5 defendant engaged in witness intimidation and tampering through the use of social media.  
6 Defendant's letter to her co-defendant relays a violent attack perpetrated by defendant upon a  
7 fellow inmate, in violation of FDC rules and regulations. This behavior underscores a pattern of  
8 continued disobedience. The Court cannot trust that defendant will comply with the terms of a  
9 pre-trial release. Regardless of the efforts of her parents in acting as third-party custodians, the  
10 ready availability of access to the internet and social media poses a significant concern that the  
11 defendant may continue to act in violation of the prescribed terms of her release. The Court thus  
12 finds that the defendant would pose a risk of danger or fear to particular persons or the  
13 community were she to be released.

14 For all of the foregoing reasons and based on its *de novo* review of the record, the  
15 Court finds that there is clear and convincing evidence that no condition or combination of  
16 conditions of release can reasonably assure defendant's appearance at trial or the safety of the  
17 community. Defendant's motion for revocation of the detention order (Dkt. #31) is, therefore,  
18 DENIED.

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21 DATED this 7th day of July 2015.

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24 Robert S. Lasnik  
25 United States District Judge  
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